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UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2600

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/738,795
Filing Date: December 13, 2000
Appellant(s): HAINES, ROBERT E.

James D. Shaurette
For Appellant

SUBSTITUTE EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/25/06 appealing from the Office action mailed 3/8/06.

(1) Real Party of Interest

Party of interest contained in the brief is correct.

(2) Related Appeals and Interferences

The statement of Related Appeals and Interferences contained in the brief is correct.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

The statement of status of amendments in the brief is correct.

(5) Summary of the Claimed Subject Matter

The summary of the claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection To Be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-4, 7-9, 11, 13-14, 16-17, 19-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayward et al (US 6798997).

Regarding claim 1, Hayward discloses a consumable management device *(computer 30, fig. 2)* comprising:

● an interface *(interface 32, fig. 2)* configured to receive a first message *(signals from printer 10 indicates conditions of the consumable part, col. 2, lines 14-15 and col. 5, lines 5-12)* including a first designation *(conditions indicate a need to replace a consumable parts such as paper, ink, toner, cartridge, col. 5, lines 5-17)* identifying an imaging consumable used by an image forming device *(printer 10, fig. 2)* to form hard images *(i.e. inks/toners used to form hard images, col. 5, lines 5-12)*; and

● processing circuitry *(computer 30, fig. 2)* coupled with the interface *(interface 32, fig. 2)*, the processing circuitry being configured to convert the first designation *(converts conditions indicate replacement of consumable parts to signals represent purchase order, fig. 7, col. 7, lines 54 col. 8, lines 62)* identifying the imaging consumable to second designation *(i.e. parts to be ordered, col. 7, lines 54 to col. 8, lines 64)* identifying the imaging consumable, to generate a second message *(purchase order, fig. 7, col. 7, lines 54 to col. 8, lines 65)* including the second designation *(purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65)*, and to forward the second message *(forwards purchase order to vendor's server 40, fig. 2, col. 7, lines 54 to col. 8, lines 65)* to the interface for communication to an entity *(supplier/manufacturer, col. 8, lines 46-47)* for assisting with replenishment of the imaging consumable.

Regarding claim 3, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to generate the second message comprising a quantity (inherently, purchase order includes quantity, fig. 7, col. 7, lines 54 to col. 8, lines 63) corresponding to the imaging consumable identified by the second designation.

Regarding claim 4, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to generate the second message comprising an email message (col. 8, lines 5-12) and to include the second designation (purchase order, col. 8, lines 5-12) as an attachment of the email.

Regarding claim 7, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to export the second designations into one of a plurality of formats (col. 8, lines 3-12) corresponding to the entity to generate the second message.

Regarding claim 8, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to communicate the second message at a predetermined moment in time (col. 8, lines 4-63).

Regarding claim 9, Hayward further discloses an image forming system (system, fig. 2) comprising:

● an image forming device *(printer 10, fig. 2)* configured to use an image consumable (i.e. inks/toner) to form hard images, to monitor *(sensor 12, fig. 10)* the status of the imaging consumable, and to generate a first message *(conditions indicate a need to replace a consumable parts such as paper, ink, toner, cartridge, col. 5, lines 5-17)* including a first designation identifying the imaging consumable responsive to the monitoring; and

● a consumable management device (computer 30, fig. 2) coupled with the image forming device (printer 10, fig. 2) and configured to receive the first message *(signals from printer 10 indicates conditions of the consumable part, col. 2, lines 14-15 and col. 5, lines 5-12)*, to

convert *(converts conditions indicate replacement of consumable parts to signals represent purchase order, fig. 7, col. 7, lines 54 col. 8, lines 62)* the first designation identifying the imaging consumable to a second designation identifying the imaging consumable, and to communicate a second message *(purchase order, fig. 7; col. 7, lines 54 to col. 8, lines 65)* including the second designation *(purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65)* to an entity for assisting *(forwards purchase order to supplier, fig. 2, col. 8, lines 46-48)* with replenishment of the imaging consumable.

Regarding claim 11, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to generate the second message comprising an email message (col. 8, lines 5-12) and to include the second designation (purchase order, col. 8, lines 5-12) as an attachment of the email.

Regarding claim 13, Hayward further discloses the system in accordance with claim 9 wherein the image forming device comprises a printer (printer 10, fig. 2).

Regarding claim 14, Hayward discloses a method of replenishing (fig. 7) an imaging consumable usable to form hard images, the method comprising:
● receiving a first message *(signals from printer 10 indicates conditions of the consumable part, col. 2, lines 14-15 and col. 5, lines 5-12)* including a first designation identifying the imaging consumable;
● converting the first designation *(converts conditions indicate replacement of consumable parts to signals represent purchase order, fig. 7, col. 7, lines 54 col. 8, lines 62)* to a second designation different than the first designation, the second designation identifying *(purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65)* the imaging consumable;
● generating a second message *(purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65)* including the second designation; and

• communicating *(forwards purchase order to supplier, fig. 2, col. 8, lines 46-48)* the second message including the second designation to an entity for assisting with replenishment of the imaging consumable.

Regarding claim 16, Hayward further discloses the method in accordance with claim 14 wherein the generating comprises generating the second message including a quantity (inherently, purchase order includes quantity to be ordered, fig. 7, cols. 7-8) corresponding to the imaging consumable identified by the second designation.

Regarding claim 17, Hayward further discloses the method in accordance with claim 14 wherein the generating comprises:
• generating the second message comprising an email message (col. 8, lines 5-12); and
• providing the second designation as an attachment of an email message (col. 8, lines 5-12).

Regarding claim 19, Hayward the method in accordance with claim 14 wherein the generating comprises exporting the second designation into one of a plurality of formats (col. 8, lines 3-12) corresponding to the entity.

Regarding claim 20, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to communicate the second message at a predetermined moment in time (col. 8, lines 4-63).

Regarding claim 21, Hayward further discloses the device in accordance with claim 1 wherein the entity comprises a first entity, and wherein the first designation is usable by a second entity (server 40, col. 7, lines 54 to col. 8, lines 65) to identify the consumable and the second designation is usable by the first entity (local supplier, col. 8, lines 45-55) different than the second entity to identify the consumable.

Regarding claim 22, Hayward further discloses the device in accordance with claim 1 wherein the first designation is not (parts to be ordered are not recognizable by suppliers until part numbers are submitted, col. 7, lines 54-67) recognizable by the entity.

Regarding claim 23, Hayward further discloses the system in accordance with claim 9 wherein the entity comprises a first entity, and wherein the first designation is usable by a second entity (server 40, col. 7, lines 54 to col. 8, lines 65) to identify the consumable and the second designation is usable by the first entity (local supplier, col. 8, lines 45-55) different than the second entity to identify the consumable.

Regarding claim 24, Hayward further discloses the system in accordance with claim 9 wherein the first designation is not (parts to be ordered are not recognizable by suppliers until part numbers are submitted, col. 7, lines 54-67) recognizable by the entity.

Regarding claim 25, Hayward further discloses the method in accordance with claim 14 wherein the entity comprises a first entity, and wherein the first designation is usable by a second entity (server 40, col. 7, lines 54 to col. 8, lines 65) to identify the consumable and the second designation is usable by the first entity (local supplier, col. 8, lines 45-55) different than the second entity to identify the consumable.

Regarding claim 26, Hayward further discloses the method in accordance with claim 9 wherein the first designation is not (parts to be ordered are not recognizable by suppliers until part numbers are submitted, col. 7, lines 54-67) recognizable by the entity.

Regarding claim 27, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry (computer 30, fig. 2) is configured to forward the second message (purchase order, fig. 7) responsive to a predetermined status (conditions of image consumable, fig. 7) of the imaging consumable.

Regarding claim 28, Hayward further discloses the device in accordance with claim 1 wherein the processing circuitry is configured to automatically generate (automatically generates and forwards purchase order in response to image consumable conditions without human intervention, fig. 8, col. 8, lines 64 to col. 9, lines 67) and forward the second message to the interface without user intervention.

Regarding claim 29, Hayward further discloses the system in accordance with claim 9 wherein the processing circuitry (computer 30, fig. 2) is configured to forward the second message (purchase order, fig. 7) responsive to a predetermined status (conditions of image consumable, fig. 7) of the imaging consumable.

Regarding claim 30, Hayward further discloses the system in accordance with claim 9 wherein the processing circuitry is configured to automatically generate (automatically generates and forwards purchase order in response to image consumable conditions without human intervention, fig. 8, col. 8, lines 64 to col. 9, lines 67) and forward the second message to the interface without user intervention.

Regarding claim 31, Hayward further discloses the method in accordance with claim 14 wherein the processing circuitry (computer 30, fig. 2) is configured to forward the second message (purchase order, fig. 7) responsive to a predetermined status (conditions of image consumable, fig. 7) of the imaging consumable.

Regarding claim 32, Hayward further discloses the method in accordance with claim 14 wherein the processing circuitry is configured to automatically generate (automatically generates and forwards purchase order in response to image consumable conditions without human intervention, fig. 8, col. 8, lines 64 to col. 9, lines 67) and forward the second message to the interface without user intervention.

. Claims 2, 5-6, 10, 12, 15, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayward as described in claims 1, 9, and 14 above, and in view of Hogge et al (US 5983194).

Regarding claims 5, 12, and 18, Hayward fails to teach and/or suggest converting manufacturer part number to customer part number.

Hogge, in the same field of endeavor for ordering parts, teaches a processing circuitry for converting manufacturer part number to customer part number (converting part numbers between manufacturers/customers, col. 8, lines 5-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify printing system of Hayward to include method/device to convert manufacturer part number to customer part number as taught by Hogge because of a following reason: (●) to easily correspond manufacturer part number with customer part number to ensure the right part is ordered; (●) to find alternate parts with lower prices and/or availability from different manufacturers by converting/corresponding parts number between manufacturers (col. 8, lines 5-10).

Therefore, it would have been obvious to combine Hayward with Hogge to obtain the invention as specified in claims 5, 12, and 18.

Regarding claims 2, 10, and 15, Hayward further teaches wherein the interface is configured to receive another first message (col. 5, lines 5-15) including another first designation identifying another imaging consumable (i.e. inks, toners, paper, cartridge, and etc), and the processing circuitry is configured to convert the another first designation into another second designation identifying the another imaging consumable (different parts to be ordered such as · inks, toner, paper, cartridge, and etc), and to generate the second message (purchase order, fig. 7) comprising a list including the second designations (inks, toner, paper, cartridge, and etc. and it is well known that plurality of different parts can be ordered using a single purchase order).

Regarding claim 6, Hogge further teaches the device in accordance with claim 1 further comprising a storage circuitry (fig. 1) configured to store a look-up table, and the processing circuitry is configured to access the look-up table (col. 8, lines 5-10, look-up table storing

plurality part number is well known in the art) to convert the firs designation to the second designation.

(10) Response to Argument

● Regarding to section A of Arguments, the applicants argued the cited prior art of record (US

6798997 to Hayward et al) fails to teach and/or suggest converting first designation identifying

the imaging consumable to a second designation identifying the imaging consumable.

In response, the Examiner fully disagrees with applicants' argument. Hayward explicitly teaches a computer 30, fig. 2 for converting *(converts conditions indicate replacement of consumable parts to signals represent purchase order, fig. 7, col. 7, lines 54 col. 8, lines 62)* the first designation identifying the imaging consumable to a second designation identifying the imaging consumable, and to communicate a second message *(purchase order, fig. 7, col. 7, lines 54 to col. 8, lines 65)* including the second designation *(purchase order including parts to be ordered, fig. 7, col. 7, lines 54 to col. 8, lines 65)* to a imaging consumable vendor (e.g. ink or print media supplier). According to the limitations/features as cited in the independent claims, *first designation* is included in the *first message* transmitted from an image forming device (e.g. printer or image forming apparatus), and wherein *second designation* is included in the *second message*, wherein the *second message* is being converted from *first message* by the processing circuitry (e.g. host computer). As stated in the Office Action, the Examiner is herein interpreted *first message* as signals from printer indicates conditions of the consumable part, *first designation* as conditions indicate a need to replace a consumable parts such as paper or ink, *second message* as purchase order, and *second designation* as parts to be ordered as included in the purchase order. As shown in fig. 2, printer 10 includes sensor 12 for sensing conditions of imaging consumable (e.g. inks, print media). If a condition (ink level is low, and new cartridge is needed as shown in fig. 4) is detected, a message is generated and forwarded to host computer 30. Host computer 30 then generates a purchase order including the parts needed to purchase *fig.*

7, col. 7, lines 54 col. 8, lines 6 and also see col. 5, lines 5-17) and sends to the supplier using communication device (modem 34) as shown in fig. 2. The methods of placing a purchase order can be either manually (fig. 4) or automatically (col. 2, lines 45-50, and col. 8, lines 63 to col. 9, lines 25).

• Regarding to section A of Arguments (see page 5), the applicants repeatedly argued the cited prior art of record (US 6798997 to Hayward et al) fails to teach and/or suggest converting *"part number"* of the first designation to a second designation identifying the consumable.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "part number") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). None of the features/limitations as cited in the independent claims include or indicate "designation" as "part number".

• Regarding to section B of Arguments (re: claims 2, 10, 15), the applicants argued the cited prior arts of record (US 6798997 to Hayward and US 5983194 to Hogge) fail to teach and/or suggest a list including a plurality of second designations identifying a plurality of image consumable. In other words, the applicants argued neither Hayward or Hogge teach and/or suggest a purchase order containing a list of plurality of imaging consumables (e.g. ink, print media, toner, and etc) nor well known in the art. System as taught by Hayward for monitoring and ordering plurality of imaging supplies and parts (e.g. paper, ink, toner, cartridge, printhead, drum, and etc), see col. 5, lines 5-13 and col. 10, lines 1-6. A single purchase order contains a list of plurality of parts to be ordered is well-known and widely used in the art. It is well known in the art to use a single purchase order for plurality of parts, so time and costs (e.g. shipping costs) can be reduced. See a well known example of a single purchase order contains plurality of items as shown in figs. 4-6 of US 5905973 to Yonezawa et al; fig. 2, col. 4, lines 45-50 of US 7039602 to Kapadia et al.

• Regarding to section C of Arguments (re: claims 3 & 16), the applicants argued the cited prior art of record (US 6798997 to Hayward) fails to teach and/or suggest second message comprising a quantity corresponding to the imaging consumable identified by the second designation, and wherein such features are not inherently taught by Hayward. In other words, the applicants argued purchase order as taught by Hayward does not include a quantity (e.g. number of parts to be ordered) and it is not an inherent feature.

In response, Hayward explicitly teaches an example of placing a purchase order for ordering consumable parts (e.g. inks, toners, print media, and etc) for print device as shown in fig. 4-7, col. 7, lines 54 to col. 8, lines 63. Inherently, all purchase order must include a quantity (e.g. number of parts to be ordered); otherwise, a purchase order is incomplete and cannot be process by the vendor/manufacturer/supplier. The minimum quantity requirement for any purchase order is 1. A purchase order (noun) is defined by www.dictionary.com as a commercial document used to request someone to supply something in return for payment and providing specifications and *quantities;* see attachment.

• Regarding to section D of Arguments (re: claims 4, 11, and 17), the applicants argued the cited prior art of record (US 6798997 to Hayward) fails to teach and/or suggest second designation is included as an "attachment" of the email. In other words, applicants argued purchase order as taught by Hayward does not send as "attachment" via email protocol.

In response, Hayward explicitly teaches an example of sending purchase order via e-mail module/application (col.8, lines 5-25). Limitations/features as cited in claims 4, 11, and 17 do not specify how an "attachment" is attached to the e-mail message. Purchase order containing plurality of data (e.g. quantity, name, address, shipping method, part number, and etc), and these data are "attached" or "embedded" to the body of the e-mail (col. 8, lines 5-25) message (NOTE: All e-mail applications such as MS Outlook, Lotus, Yahoo Mail, and etc. are include features of sending files as an attachment, either via as a body or as a separate file).

• Regarding to section E of Arguments (re: claims 5, 12, and 18), the applicants argued there is insufficient motivation to combine the teachings of Hogge (US 5983194) with the teachings of Hayward (US 6798997).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivations to combine the two references are: (•) to easily correspond manufacturer part number with customer part number to ensure the right part is ordered; (•) to find alternate parts with lower prices and/or availability from different manufacturers by converting/corresponding parts number between manufacturers (col. 8, lines 5-10).

Hayward (US 6798997) teaches an example of creating a purchase order (col. 8, lines 5-16) for ordering imaging consumable parts (e.g. inks, print media, printhead, and etc) along with manufacturer part number. However, Hayward does not explicitly teach and/or suggest of how a manufacturer part number is obtained and/or generated for a particular consumable part. In other words, Hayward is silent and/or lack the teachings of converting customer part number to a manufacturer part number for a replaceable imaging consumable part. It is well known that different manufacturers use different part number (e.g. serial number) for the same part (e.g. ink cartridge). Hogge teaches a well-known example of converting customer part number to manufacturer part number (col. 8, lines 5-10) or vice-versa. Having capabilities of converting and/or corresponding customer part number with manufacturer part number helps customers/consumers to find alternate parts with lower prices and/or availability from different manufacturers. For example, corporation A (e.g. FedEX Kinko) needs an ink cartridge replacement for a laser printer with assigned Kinko's serial number. Prior to placing a purchase order for replacement part, one of ordinary skill in the art would have to find a corresponding vendor (e.g. Canon) part number to match with Kinko's assigned serial number. Using the method as taught by Hogge ensures the right part is ordered from the vendor. Also, one of ordinary skill in the art to use the method as taught by Hogge to find replaceable part (e.g. ink cartridge) from alternate/different vendors (e.g. IBM, DELL, HP, and etc) for better pricing.

• Regarding to section F of Arguments (re: claims 8 & 20), the applicants argued the cited prior art of record (US 6798997 to Hayward) fails to teach and/or suggest communicating the second message at a predetermined moment in time. In other words, the applicants argued Hayward sends the purchase order when the user has filled out the purchase order rather than at a predetermined moment in time. The timing of the communication of the purchase order in Hayward is chosen by the user and is not disclosed as being at a predetermined moment in time.

In response, the Examiner disagrees with applicants' arguments. The methods of placing a purchase order as taught by Hayward can be either manually (fig. 4, col. 8, lines 4-63) or automatically (col. 1, lines 50-63, col. 2, lines 45-50, and col. 8, lines 63 to col. 9, lines 25). *"In accordance with one aspect of the present invention, there is provided, an automated electronic order system including a consumable component, sensor, processor and software logic system, and communications link. The automated electronic order system communicates with the consumable component and predicts a future condition of the consumable component. The communications link is associated with the sensor and the processor and software logic system. The sensor, processor and software logic system, and the communications link interrogate the one consumable component and, upon identifying a particular condition of the consumable component, automatically communicate an electronic inquiry or an electronic offer to purchase a replacement of the consumable component"*, col. 1, lines 50-62. Clearly, sample passage above teaches an example of communicating a purchase order via predetermined moment in time (e.g. based upon future condition of the consumable part detected by the sensor device).

• Regarding to section G of Arguments (re: claims 21, 23, and 25), the applicants argued the cited prior art of record (US 6798997 to Hayward) fails to teach and/or wherein the first designation is usable by a second entity to identify the consumable and the second designation is usable by the first entity different than the second entity to identify the consumable.

In response, the Examiner disagrees with applicants' arguments. Hayward also discloses the method wherein the first designation is usable by a second entity (server 40, col. 7, lines 54 to col. 8, lines 65) to identify the consumable and the second designation is usable by the first entity (local supplier, col. 8, lines 45-55) different than the second entity to identify the consumable. As stated in the Office Action, the Examiner is herein interpreted *first designation* as conditions

indicate a need to replace consumable parts such as paper or ink, *second designation* as parts to be ordered as included in the purchase order, *first entity* as local supplier or vendor, and *second entity* as server 40.

NOTES: The methods of placing a purchase order as taught by Hayward can be either manually (fig. 4, col. 8, lines 4-63) or automatically (col. 1, lines 50-63, col. 2, lines 45-50, and col. 8, lines 63 to col. 9, lines 25).

On the manual side as shown in fig. 2, a *first designation* is generated from printer 10 and transmitted to PC 30 (*second entity*), in response to a *first designation* from printer 10, PC 30 then generates a *second designation* (purchase order fig. 4) and then forwards to a *first entity* (server 40, col. 8, lines 5-10, and wherein server 40 then forwards to local supplier, col. 8, lines 45-50).

On the automatic side, wherein purchase order is automatically submitted to supplier without user's intervention (col. 1, lines 50-63, col. 2, lines 45-50, and col. 8, lines 63 to col. 9, lines 25. Information with respect to printer device (col. 4, lines 8-10) and user's profile (col. 4, lines 23-26) are pre-registered with server 40. When a condition of a printer device is detected, a *first designation* is forwarded to *second entity* (server 40, col. 9, lines 13-17), wherein server 40 then generates a *second designation* (purchase order) by filling in information including part number (col. 7, lines 60-65), and forwards the purchase order to *first entity* (local supplier, col. 8, lines 46-47).

• Regarding to section H of Arguments (re: claims 22, 24, and 26), the applicants argued first designation is not recognizable by the entity is not taught by Hayward (US 6798997).

In response, the Examiner disagrees with applicants' arguments. As stated in the Office Action, the Examiner is herein interpreted *first designation* as conditions indicate a need to replace consumable parts such as paper or ink, wherein entity is a supplier for supplying the replaceable consumable part (e.g. ink cartridge). As stated in the Office Action, the Examiner is herein interpreted *first designation* as conditions indicate a need to replace consumable parts such as paper or ink, *second message* as purchase order, and *second designation* as parts to be ordered as included in the purchase order. As shown in fig. 2, printer 10 includes sensor 12 for sensing conditions of imaging consumable (e.g. inks, print media). If a condition (ink level is low, and

new cartridge is needed as shown in fig. 4) is detected, a message is generated and forwarded to host computer 30. Host computer 30 then generates a purchase order including the parts along with part numbers needed to purchase *fig. 7, col. 7, lines 54 col. 8, lines 6 and also see col. 5, lines 5-17)* and sends to the supplier using communication device (modem 34) as shown in fig. 2. Inherently, supplier/vendor/manufacturer will not recognize first designation, because first designation is not a purchase order (second designation), but rather a condition that requires a replaceable part implemented by a customer PC 30. Supplier/vendor/manufacturer are only designed to recognize purchase order along with its part numbers submitted from clients. For example, the vendor/supplier will not recognize a message ("a new ink cartridge is required for printer A"), which transmitted from a client's printer device without employing additional information (e.g. part number, name, address, payment, method of shipping, and etc).

• Regarding to section I of Arguments (re: claims 27, 29, and 31), the applicants argued the cited prior art of record (US 6798997 to Hayward) fails to teach and/or suggest forwarding the second message responsive to a predetermined status of the imaging consumable.

In response, the Examiner disagrees with applicants' arguments. Hayward explicitly teaches an example of generating and forwarding the second message (purchase order, fig. 7) responsive to a predetermined status (conditions of image consumable, fig. 7) of the imaging consumable. Below are sample passages from the cited reference that teaches a purchase order is initiated based upon a predetermined condition status of an imaging consumable (e.g. replacement ink cartridge).

(1) "Conditions in the machine 10 may indicate a need to replace a consumable item or part (e.g., paper, ink, toner, cartridge, printhead, drum). Using the sensed indicia from registration, an automatic electronic customer direct supply ordering mechanism can advantageously identify a replacement part or consumable item that is needed and the proper part can then be automatically ordered and sent to the user", *col. 5, lines 5-12*.

(2) A modem 34, Internet connection 36, or server 40 may be used to electronically communicate the information from the marking apparatus 8 to the remote output device 50 regarding the condition of the consumable component 11 and automatically initiate an electronic order for a replacement of the consumable component 11. The threshold conditions of the

consumable component 11 may include a measure, timing, or data such as: (1) supply; (2) wear; (3) usage; (4) rate of depletion; (5) rate of wear; (5) predicted date of depletion of supply; (5) predicted date of need of consumable component 11; (6) delivery schedule of consumable component; and (7) statistical data for consumable component 11, *col. 9, lines 20-32*.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Prior Arts of Record
• US 6798997 to Hayward et al; US 5983194 to Hogge et al.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

• US 5905973 to Yonezawa et al teaches a well-known example of a single purchase order containing plurality of ordered items/parts.

• US 7039602 to Kapadia et al teaches a well-known example of a single purchase order containing plurality of ordered items/parts.

• A purchase order definition is defined by www.dictionary.com is herein attached for referencing.

(11) Examiner's Answer, Conclusion
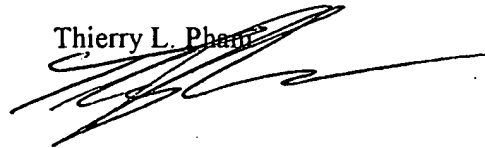For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thierry L. Pham

Conferees:
David Moore (AU 2625 SPE)

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